**R (on the application of Bryan T Latter) v (1) Transport for London and (2) The Parking and Traffic Appeals Service CO/4453/2008**

**Issue: Permission to apply for Judicial Review refused – unaware that entered the congestion charging zone, signage, mitigation**

The Appellant appealed to the Road User Charging Adjudicator against the decision of Transport for London to reject his representations following service of a Penalty Charge Notice. The Appellant asserted that he had been totally unaware that he had entered the Congestion Charge Zone at the time of the contravention. The Appellant asserted that, following receipt of the Penalty Charge Notice, he had retraced his steps and asserted that the road signs alerting road users to the Congestion Charge Zone entry point could easily have been obscured by large vehicles such as a lorry or bus.

The Adjudicator found that a regulatory road sign was in situ at the time of the contravention together with a distinctive ‘C’ marking on the road. The Adjudicator found that the Congestion Charge Scheme imposes strict liability on road users and that the onus is placed very firmly on motorists to inform themselves of the Congestion Charge Zone boundaries. The Adjudicator found that the Appellant’s representations amounted to mitigation only and not a ground of appeal. Not having the power to consider mitigation the appeal was dismissed accordingly.

The Appellant applied to Review the decision of the Adjudicator. The reviewing Adjudicator dismissed the Application for Review, finding that the original Adjudicator made the correct decision in law. Further, it was held that the original Adjudicator was entitled to find that the Appellant’s mitigation did not give rise to a ground of appeal, following the decision of the Court of Appeal in Walmsely –v- Transport for London [2005] EWCA Civ 1540.

The Appellant made an application to the High Court for permission to apply for Judicial Review. At an oral hearing on 14 August 2008, Mr Ockelton QC sitting as a Deputy High Court Judge refused permission.